

# **STATE REPORTING BURDEN REDUCTION INITIATIVE**

## **RESULTS (Categorized by Program Office)**

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## **I. Short-term Opportunities for State Reporting Burden Reduction<sup>1</sup>**

### **GRANTS, PLANNING AND OTHER CROSS-CUTTING**

#### **Requirement: MBE/WBE**

**States (7)<sup>2</sup>:** Eliminate; report annually not quarterly.

**EPA:** Required by statute/executive order but new rule (to be finalized in April 2007 and become effective on October 1, 2007) reduces reporting frequency from quarterly to semi-annually. HQ will conduct outreach/education activities with states and regions on requirements of new rule.

**Target implementation date:** in FY08

#### **Requirement: Quarterly grant reports**

**States (6):** Eliminate for such smaller grants as UIC, pesticides, PCBs, Pb, asbestos; or change frequency for water grants (e.g., wetlands), Brownfields and Superfund grants.

**EPA:** Programmatic and regulatory requirements. There may be some flexibility as grant rule states that progress reports should be not more than quarterly and not less than annually. OGD to follow up on this with NPMs.

**Target implementation date:** by 10/1/07

#### **Requirement: Quarterly financial status reports (FSR)**

**States (2):** Reduce frequency as not all federal agencies require them.

**EPA:** Agrees that quarterly FSRs ordinarily are not necessary and will work to determine reduced frequency in consultation with OMB, GMOs and states by 10/1/07.

**Target implementation date:** by 10/1/07

#### **Requirement: Quality Management Plan (QMP)**

**States (2):** Review every 5 years instead of every 2.

**EPA:** EPA has the flexibility to allow this review time frame. The current requirement in EPA's R-2 Quality Requirements document allows for up to 5 years unless the national program managers or regions find significant performance problems that warrant more frequent reviews.

**Target implementation date:** Discussion should take place during state-region PPA negotiations or other suitable venue in order to establish appropriate conditions and review time frames.

#### **Requirement: (a) Grant records retention; (b) Grant application requirements**

**State (1):** (a) Standardize 3-year period (some states have 5-year). (b) Require less detailed explanations for travel, supplies, etc. and accept estimates of state's best judgment at the time of grant application.

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<sup>1</sup> Based on discussions and agreements with program offices. EPA proposes to implement these recommendations in FY08 or earlier.

<sup>2</sup> Number of states that commented on the requirement.

**EPA:** (a) Agrees that 3 years is the general rule (except for Superfund) and will work with the GMOs and states to clarify this. (b) New cost review policy (to be issued in 3/07) will streamline grant application process.

**Target implementation date (a):** by 10/1/07

**Target implementation date (b):** by 1/08

**Requirement: Reporting for PPA/PPG and individual grants**

**State (1):** End progress reports for individual grants included in the PPA/PPG and combine all reporting for PPA/PPG into one annual progress report.

**Regional issue<sup>3</sup>:** Region 3 checking with state to determine what reports it is referencing. Region should be able to resolve this issue for the next PPG which will start in October 2007.

**Target implementation date:** by October 2007

**Requirement: TSCA grant applications**

**State (1):** Consolidate TSCA grant (only \$54,000) with other larger grants; could also apply to resource conservation challenge.

**EPA:** TSCA section 404 (g) grants provided to states on a formula basis or otherwise exempt from the Agency's competition policy can be included in PPGs and also consolidated with other program grants under 40 CFR 35.109.

**Target implementation date:** effective immediately

**OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE (OSWER)**

**Requirement: RCRAInfo database**

**States (3):** (a) Improve user interface; reduce number of corrective action codes; new EPA software (Jan '06) prevents state from uploading Waste Data System info into RCRA database: use resources to correct the problem. (b) Eliminate requests for reports that can be generated by EPA through database.

**EPA:** (a) RCRAInfo database is in the process of being updated and new version, which is expected to be implemented in first quarter of FY08, will address concerns. (b) HQ will ensure that data available in RCRAInfo be utilized for reporting rather than requesting the same data from regions and states directly.

**Target implementation date:** in FY08

**Requirement: Quarterly Reporting: Superfund Site Assessment reports, CERCLA PA/SI grant reports, NPL oversight reports)**

**States (3):** Change frequency for SF site assessment reports from quarterly to semi-annually; change frequency of CERCLA PA/SI quarterly grant reporting to semi-annual; reduce NPL oversight activities report to annual.

**EPA:** New rule, under OMB review, to be published in April 2007 proposes to relax reporting frequency. Terms will be based on the particular cooperative agreement negotiated between EPA, state or tribe.

**Target implementation date:** in early FY08

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<sup>3</sup> Denotes region-specific requirement.

**Requirement: Hazardous waste end-of-year reporting**

**State (1):** Change from printed reports to electronic.

**Regional issue:** Region 8 and the state have come to agreement on preparing a joint end-of-year (EOY) report beginning next PPA cycle (2008-2012). EOY drafts are currently exchanged electronically between EPA and the state with the exception of the final report which requires signatures. Hard copies of this report and signatures are then distributed.

**Target implementation date:** effective immediately

**OFFICE OF WATER (OW)**

**Requirement: UIC reports**

**States (8):** Some comments: eliminate UIC measures report and quarterly 7520 forms; change quarterly to annual; limit reports to those in UIC regulations; develop single reporting system and schedule; PAMS for UIC program duplicative of UIC program 7520 forms; discontinue UIC well inventory requirement as a separate report to EPA--regulations specify that updated well inventory is a part of annual report.

**EPA:** Agrees that UIC program needs one schedule/system for reporting and is developing national database with one schedule which is expected to be deployed in late 2007. EPA will provide a reporting schedule for reporting on the 7520 forms 1, 2A, 2B, 3 and 4; the UIC measures; and the inventory. This schedule will eventually be replaced with a schedule for submitting information to the national database.

Some states have been receiving Network Exchange Grants to develop electronic state data system for transferring UIC data to EPA to reduce reporting burden. We encourage states to apply for these grants to assist in the cost of changing from paper to electronic reporting.

**Target implementation date:** in early FY08

**Requirement: SDWIS**

**States (7):** (a) SDWIS/Fed should be modified to create reports for: public water compliance; Significant Noncompliance (SNC) list annotation; SNC report for capacity development reporting for new systems; strategic performance measures; FY07 grants linked to performance (state grant template).

(b) SDWIS/State: EPA should develop electronic reporting mechanism for non-compliance in SDWIS-state.

(c) EPA should fix SDWIS to eliminate the step for states to correct and send back PWS quarterly non-compliance reports.

(d) Reporting drinking water program information: (1) Must present monthly deliverables of inventory data, chemical data, technical assistance, reports, letters, etc. to EPA in hard copy. Track all information electronically via SDWIS-state instead. (2) Arsenic rule compliance reporting should occur once a year instead of quarterly. (3) Database

reporting of all drinking water program data should occur in SDWIS, all other database should be consolidated into SDWIS (Stage2/LT2, Source Water Protection, and UIC).

(e) Enforcement and compliance reporting: (1) Report sanitary survey data to SDWIS only (now reported in SDWIS and ICIS--redundant). (2) Drinking water enforcement NOVs, orders, penalties assessed/collected, warning letters: eliminate as information is in SDWIS.

**EPA:** (a) SDWIS/Fed modernization (completed in 2006) allows any state with web access to create various reports, including the SNC annotation list, and discuss the results with the regional offices. HQ already generates the capacity development/significant non-compliance report every three years for the states to relieve some of the burden. EPA already uses the data in SDWIS/FED to determine the accomplishment of measures and targets.

(b) EPA has offered (through the regions) to generate the capacity development report for new systems and non-compliance reports. To date, only one state has asked EPA to do so.

(c) In 2006, OW completed modernization of SDWIS/Fed which should have addressed state correction of PWS quarterly non-compliance reports. OW will check with the regional offices to determine whether this is still an issue and, if so, the best way to resolve it.

(d)(1) While electronic reporting is available through SDWIS for inventory data, chemical data, technical assistance, reports, letters, etc., such reporting may not always be required (note that inventory data is always required). For instance, reporting is optional in situations that do not involve formal enforcement action. Certain regional offices may request hard copy reporting. (2) Arsenic compliance reporting has been reduced from quarterly to semi-annual. (3) EPA intends to modify SDWIS to make it the primary repository for all drinking water violations data, including Stage2/LT2 results. Until SDWIS modules are fully developed, the Stage2/LT2 database (DCTS) will remain the primary means for reporting and tracking LT2 and Stage 2 information. Once modifications to SDWIS are complete, the information from DCTS will be migrated to SDWIS. This is planned to be near or fully completed in 2007. The Source Water program is not requiring database reporting or developing a database at this time.

**Target implementation date (a):** available now

**Target implementation date (b):** available now

**Target implementation date (c):** in early FY08

**Target implementation date (d)(2):** effective immediately

**Target implementation date (d)(3):** in early FY08

(e)(1) States currently do not have to report information to ICIS and reporting sanitary survey information to SDWIS is voluntary. Reporting of sanitary surveys is being discussed with OECA (owner of ICIS). (2) States currently do not have to report information to ICIS. OW will consult with OECA about reporting enforcement NOVs, orders, penalties assessed/collected, warning letters, etc. to determine whether duplicative reporting exists and if so how best to address it.

**Target implementation date:** TBD

**Requirement: Sec. 319 grant reporting**

**States (2):** (a) EPA should not request information already in the Grants Reporting and Tracking System (GRTS). (b) GRTS should be modified to allow data to be uploaded from spreadsheet, database, or text file in addition to manual entry.

**EPA:** (a) Agree. Our current program guidance for the Section 319 program already provides that states may use GRTS to report such items as the statutorily required annual reports. EPA uses GRTS to extract and compute national load reduction figures for reporting under both OMB PART and the EPA Strategic Plan; states are not required to separately report this information once it has been entered into GRTS. If any other potential areas of duplication are identified, we would be pleased to work with the states to address those areas.

(b) EPA agrees and is in the process of addressing this concern. In FY 2005 and 2006, EPA upgraded GRTS from a Lotus Notes-based system to an Oracle-based system. The primary purpose of this upgrade was to enable linking to various other data systems and to enable ease of movement of data from one system to another. We completed the upgrade to the Oracle-based system in 2006 and are now working on a large variety of linkages between the Oracle-based system and other prominent spreadsheet and database systems. We have established our priorities for doing this work in large part through detailed discussions with over 40 states in October 2006 at the national GRTS Users Group meeting. EPA holds these meetings to assure that states receive adequate training in GRTS and to get feedback regarding needed improvements to GRTS.

**Target implementation date (a):** effective immediately

**Target implementation date (b):** in FY07

**Requirement: Reports that cover different reporting periods and frequencies**

**States (2):** (a) State's water division must adhere to multiple EPA reporting requirements with different formats and deadlines (e.g., reporting in PPA, Strategic Plan Sub-objectives, PAMs, GRTS and State Nonpoint Source Annual Report): submit information in one format annually or semi-annually instead of multiple formats/deadlines. (b) EPA requires reports that cover different reporting periods for no reason: reports are based on federal fiscal year, state fiscal year and calendar year.

**Regional issue:** (a) Region willing to work with state and program to streamline water program reporting requirements and identify specific areas of overlap or redundancy. Program agrees with better aligning or timing the reports and reducing frequency of reporting, as appropriate. (b) Region: concern is not specific to grants but covers a broad range of reporting requirements. Further discussion on a program-by-program basis is needed to determine how to resolve issue.

**Target implementation date (a):** by the end of FY07, region and state to finalize PPG workplan and identify areas requiring follow-up.

**Target implementation date (b):** in FY07, during the grant negotiation period, region will enter into discussions with state to better understand the concern.

**Requirement: CWA 104(b)(3) Wetland Pilot Demonstration Grant (WPD)**

**States (2):** Eliminate duplicative reporting by switching to one annual report.

**EPA:** Agrees that grantees need not provide duplicative reporting to HQ. Grantees should follow the reporting schedule in their official assistance agreements and provide reports to the regional project officers.

In order for HQ to evaluate projects in a consistent manner, regions (not states) will be responsible for submitting a progress report to HQ in January of each year. HQ has asked regions to use the most recent progress report from the grantee in providing the HQ annual update. These yearly progress reports from the regions will serve to update HQ yearly about the status of WPD projects.

**Target implementation date:** Grantees should follow the reporting schedule in their official assistance agreements and provide reports to the regional project officers.

**Requirement: (a) Watershed permit issuance; (b) Permits providing for trading**

**State (1):** (a) Eliminate--not compatible with other permit system. (b) Eliminate.

**EPA:** (a) Agree. EPA will eliminate this measure beginning in 2008. However, we continue to be interested in collecting case studies to demonstrate the value of watershed-based permitting. (b) Disagree. Trading is an important initiative and tracking permits and facilities trading is helping to get this program off the ground. Currently, this information is collected by EPA HQ staff working with the regions and state partners. For GPRA, EPA agrees to only report on the number of dischargers that carry out trades.

**Target implementation date (a):** effective immediately

**Target implementation date (b):** effective immediately with condition/caveat noted above.

**Requirement: Report on the status of SSO strategy annually**

**State (1):** Eliminate--can discuss same during program reviews.

**Regional issue:** Region agrees to eliminate written report but will work with the state to determine SSO strategy.

**Target implementation date:** effective immediately

**Requirement: Web-based Reach Indexing Tool for Watershed Assessment Tracking and Environmental Results (WebRIT)**

**State (1):** Upgrade to a more common program (e.g., ArcView) for efficient and effective data transfers.

**EPA:** PCRIT can be directly uploaded to Reach Address Database and can be used with ArcView which eliminates need to use WebRIT. Other mechanisms are available that are better suited for dealing with large volumes of data and plans are under way to modernize WebRIT to take advantage of newer technology.

**Target implementation date:** effective immediately

**Requirement: CWSRF NIMS annual report**

**State (1):** Due date should be changed to end of calendar year to compensate for accounting entries completed at end of state fiscal year.

**Regional issue:** This is a non-issue due to a misunderstanding between a new state employee and Region 8 which has since been clarified and resolved.

**Target implementation date:** effective immediately

**Requirement: CWA sec 106 & 604b workplans and status reports**

**State (1):** Use spreadsheet format currently used by region for status reports as base document for workplans.

**Regional issue:** Region does use the spreadsheet format for status reports as base document for workplans, but still requires narrative for status reports.

**Target implementation date:** potential changes to 106 and 604 (b) reporting will be discussed as part of the region's overall FY08 workplan negotiations with the state.

**Requirement: All data entered into federal databases are separately reported in quarterly and annual PPAs (e.g., permits, inspections, compliance events)**

**State (1):** Eliminate written reports since data is available to EPA in its own databases.

**EPA:** Agrees. Where data exists in a national database, every reasonable effort should be made by EPA to utilize that information instead of requesting double-entry onto paper reports.

**Target implementation date:** effective immediately

**OFFICE OF AIR AND RADIATION (OAR)**

**Requirement: Air emissions inventory and NEI reporting**

**States (6):** Some comments: revise, loosen coding requirements; avoid duplicative inventory reporting and multiple submissions; clarify inventory reporting requirements.

**EPA:** Currently overhauling and redesigning air emissions database system which will be operational in calendar year 2008. Air Emissions Reporting Requirements (AERR) rule (to be finalized in June 2007 and take effect for the 2008 reporting year) will result in states submitting a single emission inventory. Rule and database overhaul should address various state concerns.

**Target implementation date:** by the 2008 reporting period

**Requirement: CAA §105 Reporting of Accomplishments as per 40 CFR 35.115(b)(1)**

**States (3):** (a) Annual summary report of accomplishments--submit only if grant requirements/commitments not met. (b) Eliminate quarterly reports under 105 air program grant--redundant (report is submitted to EPA technical and administrative project officers. (c) Not necessary to submit report under CAA 105 grants for mobile sources.

**Regional issue:** This is a specific region's issue in terms of how its joint evaluation with a specific state is carried out. As part of the requirements for evaluation of performance, 40 CFR 35.115(b) does require that a recipient discuss its accomplishments as measured against its work plan commitments. One state pointed out that an annual narrative summary identifying all its accomplishments was redundant since these accomplishments were evident via their respective tracking or reporting systems. The state noted that the narrative explanation should focus on what was not accomplished and why. The region agrees and proposes that the state and region address the matter by having the state indicate in its annual summary a brief statement that all commitments were accomplished except the following. The summary would then focus on the latter. The region also agreed that the necessity for quarterly reports will be reviewed on a case-by-case basis



and that some can be eliminated. The region agreed that the status of mobile source activity can be obtained in other ways.

**Target implementation date:** by the next grant reporting period (FY08)

**Requirement: Misc. reports**

**States (2):** (a) Eliminate annual report on technical training for EPA air program staff; (b) Conduct evaluation of ambient air monitors and auxiliary support equipment and categorize condition as poor or good--eliminate. (c) Eliminate quarterly report on conformity consultations as EPA already has this information.

**Regional issue:** (a) Region does not agree but willing to work with state to develop better method of reporting on training activities. (b) Region and program agree as long as evaluation is covered in state's annual network review. (c) Region agrees--these reports will be eliminated in next grant cycle. Program defers to region as this is a regional requirement for the air grant.

**Target implementation date (a):** region to discuss issue with state in spring 2007

**Target implementation date (b):** in FY07

**Target implementation date (c):** by the next grant cycle (FY08)

**Requirement: Reporting in various databases**

**States (2):** (a) Eliminate list of metropolitan statistical areas for which AQI is reported--it is duplicative of information submitted to AIRNOW website. (b) Reporting of ambient air quality and toxic data to AQS every calendar year is burdensome. Make reporting of this data in AQS available through Exchange Network and provide training for EPA regional staff.

**EPA:** (a) Region and program agree and region will remove this reporting requirement. (b) EPA is moving ahead with making the AQS data available via the Exchange Network. We have built a new data system called the AQS Data Mart which will make full use of Exchange Network technology including allowing other Network users to query the data using standard Network methods. The Data Mart is in the initial stages of release and should be fully released and available on the Exchange Network in spring 2007. EPA plans to continue its extensive training and education activities so that EPA regional staff can use its own databases and the Exchange Network interfaces and queries.

**Target implementation date (a):** in FY07

**Target implementation date (b):** spring 2007

**Requirement: CAA section 112(g) reports**

**States (2):** Eliminate reporting requirement and enter all sec. 112(g) determinations that were made in the sec. 112(g) Clearinghouse (electronic database).

**EPA:** (a) Region and program agree as long as states continue to submit the information to the 112(g) Clearinghouse.

**Target implementation date:** effective immediately

**Requirement: List of PSD/NSR applicability determinations resulting in non-applicability**

**States (2):** Eliminate.

**Regional issue:** Agrees with SC because the state includes the reason for PSD/NSR not applying in its public notices on its permits; agrees to eliminate for KY if state agrees to provide this information in its public notices similar to the process in SC.

**Target implementation date:** effective immediately for SC; needs agreement from KY

**Requirement: MACT categories for which the state has received delegation**

**State (1):** Eliminate because EPA incorporates MACT standards by reference and information is available on AFS database.

**Regional issue:** Region 8 will drop requirement for annual reporting with November deadline from the PPA, but state must continue to notify the region about any new incorporation/automatic delegation of standards and/or other requirements. Because of the state's rulemaking process, this notification occurs every two/three years. This is not a national requirement but a grant reporting requirement.

**Target implementation date:** effective immediately

**Requirement: Annual air monitoring report**

**State (1):** Eliminate as it is redundant to provide information electronically and in hard copy.

**EPA:** Region and program agree to eliminate hard copy.

**Target implementation date:** effective immediately

**OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE (OECA)**

**Requirement: ICIS-NPDES**

**States (7):** Manual entry of DMR data is cumbersome and resource-intensive.

**EPA:** During EPA's collaboration with states on the RIDE list, EPA noted state concern that manual entry of DMR data received from the regulated community on a monthly basis was the most significant new state burden. However, by taking advantage of modern electronic reporting technology, this new reporting requirement can be accomplished while lowering burden on states and permitted facilities.

EPA provided \$750,000 in grant funding to a coalition of 11 states to develop electronic reporting software that will allow DMR data to flow to ICIS-NPDES directly from regulated facilities. When completed, EPA will host this system for any interested state. States taking advantage of this software will be able to discontinue manual entry of DMR data (at majors and non-majors) for facilities that sign up for the service. Because most states currently report their majors data manually (and many other states also report their non-majors data manually), EPA projects that NetDMR will actually reduce state reporting burden. EPA's most recent proposal allows states to the phase in the new RIDE requirements to take advantage of electronic reporting through NetDMR.

EPA provided \$1.2 million in STAG grant funding for PCS modernization to 7 batch and direct user states in FY 2006; funds will be available for state PCS modernization for direct and batch user states in FY 2007.

**Target implementation date:** effective immediately

**Requirement: (a) Misc. reports; (b) Asbestos Data Report; (c) Civil docket report States (3):** (a) Eliminate double violation semi-annual reports. (b) Eliminate asbestos data report--inadequately funded by EPA. (c) Report re updates on litigation of enforcement cases generated by Attorney General's Office is outdated. Provide EPA with up-to-date information on case-by-case basis via meetings, telephone or correspondence.

**Regional issue:** (a) Report required by regulation but if information is in ICIS-NPDES, report can be discontinued (region). OECA to follow up. (b) ACT/NARS has been discontinued and region uses Section 105 grants to capture asbestos information. If request pertains to elimination of reporting through Sec. 105 grants, region does not agree but is willing to adjust or relax the reporting frequency for asbestos activities. OECA to follow up. (c) Region agrees and will look into and consider suspending report. OECA defers to region.

**Target implementation date:** TBD

**Requirement: Submit all enforcement-related information to region**

**State (1):** Duplicative of information already in databases.

**Regional issue:** Region states that copies of violations are needed to track enforcement actions; providing electronic copies may be less burdensome. Issue may be resolved during the FY08 PPA/PPG region/state negotiations.

**Target implementation date:** in FY08

**Requirement: SDWIS**

**State(1):** Eliminate reports on drinking water enforcement NOV's, orders, penalties assessed/collected, warning letters as information is in SDWIS.

**Regional issue:** Region agrees as long as information is being provided in SDWIS. Program: warning letters and NOV's are voluntarily reported by states. Regions oversee state implementation of the Safe Drinking Water Act (SDWA) in delegated states. Information in warning letters, NOV's, orders, and penalties assessed and collected provides information on state progress in addressing significant non-compliance defined as non-compliance lasting longer than 2 quarters of a fiscal year. Recommend further consultation with the region.

**Target implementation date:** TBD

**Requirement: NPDES reports**

**States (2):** (a) Annual report on inspection of NPDES CAFOs: modify to treat CAFOs as other NPDES permittees (KS). (b) NPDES enforcement documents, associated correspondence and NPDES inspection reports requested by R8: eliminate and provide requirement in PPA that CO will provide e-copies for specific cases upon request.

**Regional issue:** (a) Region 7 will discuss issue with the state during workplan negotiations for the calendar year 2008 workplan. Program: the regional office and state need to negotiate a mutually agreeable approach to reporting CAFO data. (b) Region 8

disagrees but will undertake effort in 2007 to evaluate reporting requirements of R8 states. Program: providing NPDES enforcement documents is a matter of regional oversight which should be discussed with Region 8.

**Target implementation date (a):** Region 7 will discuss issue with the state during workplan negotiations for the calendar year 2008 workplan.

**Target implementation date (b):** discussion with Region 8 and the state and decision by December 2007.

#### **OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES (OPPTS)**

No short-term opportunities for burden reduction.

## **II. Opportunities Requiring Additional Discussion/Follow-up for Burden Reduction<sup>4</sup>**

### **GRANTS, PLANNING AND OTHER CROSS-CUTTING**

#### **Requirement: Resource flexibility and recognition credit for innovative programs**

**State (1):** Create easy predictable formula for trading resources from any traditional and innovative programs.

**EPA:** Region agrees; EPA will work with ECOS to address issue.

#### **Requirement: Small Business Compliance**

**State (1):** State requesting more flexibility to manage program.

**Regional issue:** Region believes state has sufficient flexibility to develop its own program and has done a credible job in this area.

#### **Requirement: Annual Monitoring Equipment Purchase Form**

**State (1):** Eliminate as information is provided during grant application process.

**EPA:** Region disagrees; needs documentation of equipment purchases. Program will consult with the regions to determine what is/should be required.

#### **Requirement: Reporting for PPA/PPG and categorical grants**

**States (6):** Some comments: reporting for all grants should be annual; end of year annual PPA report should only document results for PPA workplans; eliminate PPG workplan report as successful completion of other workplan activities is evidence staff is trained.

**EPA:** HQ will consult with the regions to determine what is/should be required.

#### **Requirement: Federal cash transaction report**

**State (1):** Eliminate annual submission as data is available in EPA's ASAP database.

**EPA:** This report is required by OMB and the Dept. of Treasury. EPA will consult with them to determine whether the report can be eliminated. OMB is currently considering consolidating the Federal Cash Transaction Report and the Financial Status Report into one.

#### **Requirement: ASAP database reporting**

**State (1):** Reduce amount information to be reported in ASAP when states enter financial draw requests.

**EPA:** The information appears to be needed for LUST and Superfund cost-recovery purposes. OGD will consult with OSWER and OCFO on whether the information requirements can be reduced.

#### **Requirement: Grant application documents (certifications and pre-award compliance review)**

**State (1):** Region should allow state to batch and file once/year.

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<sup>4</sup> Based on discussions with program offices.

**EPA:** A number of the certifications/forms are project-specific and therefore it is unclear whether they can be batched. OGD will need to consult with OMB to resolve. OMB's common rule for state grants does not specifically address bundling of certifications.

**Requirement: State and federal database reconciliation**

**States (2):** Implement EPA's data warehouse strategy; schedule program changes concurrently and limit changes to every 3 years; coordinate comments through ECOS and use ECHO to populate legacy system.

**EPA:** Regions agree, support efforts and suggest looking for opportunities. OGD will consult with regions to determine what is/should be required.

**Requirement: Certification regarding lobbying and assurances in grant application**

**States (2):** Eliminate and replace documentation with annual blanket assurance from state agency to EPA.

**EPA:** These certifications and a number of the assurances are project specific and therefore it is unclear whether we can bundle them. OGD will need to consult with OMB. OMB's common rule for state grants does not specifically address bundling of certifications.

**Requirement: Improve system for reviewing state comments on NPM guidance, regional work commitments and measures**

**State (1):** Identify what is new from previous year; respond to state comments; transparency for all documents.

**EPA:** Region agrees; suggests initiating a pilot study to handle complex subject. EPA will work with ECOS on improvements.

**OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE (OSWER)**

**Requirement: Superfund and Brownfields reports (number of jobs created)**

**States (2):** Modify requirement to report on number of jobs created under Brownfields grants: states must rely on facilities for data and cannot verify.

**EPA:** While states may not have complete information concerning the number of jobs created, it is critical to provide results that are available to illustrate the ultimate success and impact of cleaning up and revitalizing Brownfields properties. This is not a requirement: information is requested only if it is available. EPA regional offices have indicated that such information is necessary to demonstrate economic impact; if information available, need it to show real impact for resources invested.

**Requirement: RCRA/ State Hazardous Waste Management Grant and State UST Trust Fund Grants**

**State (1):** Eliminate all reports except for GPRA goals.

**EPA:** Region disagrees: using only GPRA goals will limit full reporting. Program disagrees: EPA's GPRA goals and associated reporting measures are necessary to meet our statutory goals of protecting human health and the environment. For example, the permitting goals are needed to ensure that controls are in place for proper management of

hazardous waste. Prevention is preferable to mismanaged sites that lead to later cleanups at the sites.

**Requirement: Quality Assurance Project Plans (QAPP)**

**States (3):** Allow umbrella QAPP for UST sites; develop QAPP template to promote consistency in review/approval; develop QAPP template for each project.

**Regional issue:** The national UST/LUST program issued LUST Trust Fund Cooperative Agreement Guidelines that provides guidance on the states' quality assurance programs. The regional offices award and manage the LUST Cooperative Agreements and establish the QA policies for their states. For more information about OSWER's LUST Trust Fund Cooperative Agreement Guidelines, please see:

<http://www.epa.gov/OUST/directiv/d965010a.htm>

**Requirement: Hazardous waste reporting**

**States (2):** (a) Streamline data input via direct e-manifest system reporting. (b) State Hazardous Waste Program Authorization Updates: implement a streamlined authorization approval process (similar to processes used by Air Quality, NPDES and Solid Waste Programs).

**EPA:** (a) EPA is awaiting Congressional action to authorize a new regulatory effort, called "E-Manifest," which would provide for electronic collection of some data now submitted during the Biennial Report. EPA is considering a further effort, in cooperation with the states and building upon E-Manifest, to reduce the burden of biennial reporting, improve its quality and make its publication timelier. (b) In 2003, EPA streamlined the state authorization application documents. EPA also has a longstanding guidance document to help states which incorporate by reference. SD can contact Region 8 or OSW for assistance. For additional information, please visit the following website:

<http://www.epa.gov/epaoswer/hazwaste/state/policy/ibr1202.pdf>

**OFFICE OF AIR AND RADIATION (OAR)**

**Requirement: Reporting in various databases**

**States (8):** Some comments: (a) Data reporting to AFS--stack test, Title V annual certification review, HPV criteria code should be eliminated because burdensome and resource-intensive. (b) Revise outdated methodology for reporting PM-10 data to AIRS. (c) Reporting PM 2.5 and ozone values every hour to AIRNOW--provide resources. Recommends that switch of AIRNOW system to Exchange Network be given a high priority and AIRNOW reporting be made more consistent with EPA's AQS system. (d) Monthly and annual reporting to AFS is burdensome and system is cumbersome and difficult to use.

**EPA:** (a) Disagrees: these data elements are critical in prioritizing programs and conducting national evaluations. (b) Region agrees with and supports; program disagrees.

(c) When the AirNow program first started, EPA was able to provide resources under the EMPACT program. However that funding is no longer available. While we provide the AIRNow infrastructure, we cannot fund the costs of reporting the data.

It is our understanding that OR operates a data management and reporting system which it developed in-house and requires relatively more annual resources than other states using commercial data systems. OR may wish to apply for a National Environmental Information Exchange Network (NEIEN) grant to replace this system, and/or consider whether investment of state resources would have a good payoff in reducing annual expenses.

Recently OAQPS completed a pilot project with NY, NJ, and DE that allowed submission of AIRNow data over the NEIEN. We can now accept data from those three states via an XML transfer over the NEIEN, using the AQS schema. We will begin making this capability available to our AirNow users but will probably take a year or more to complete this effort. If OR is interested in applying for a NEIEN grant, it may consider this as a possible approach. We do not know the direct resource savings this may have for OR but it would allow using the same data format as AQS which would save some time.

(d) Region agrees that AFS needs to be modernized, supports changes to streamline reporting and will be actively involved in process; program: n/c.

**Requirement: Notification whenever state receives variance request**

**State (1):** Eliminate and provide same to R7 in semi-annual report.

**Regional issue:** N/C

**Requirement: Submission of information on ethanol permit and PSD applications**

**State (1):** Provide only PSD public notice.

**Regional issue:** Region is currently in process of determining the % of PSD permit review necessary for effective oversight and working to make an electronic clearinghouse for ethanol information available. Program defers to region.

**Requirement: Submit public notices for all permits**

**State:** Wants permission to revise it although required by state regulation.

**EPA:** Determined that periodic review of PSD permits far less effective than real time review (program) but region open to discussion to reduce burden of public notice for minor source construction permits.

**Requirement: Semi-annual summary of actions under Title V permit applications**

**State (1):** Duplicative as state submits information on each action taken on Title V permits to region.

**EPA:** Disagrees: reports are necessary.

**Requirement: Misc. reports**

**States (2):** (a) Summary of mobile source outreach and voluntary program activities--eliminate as same information is in Early Action Compact progress reports. (b) Evaluate air monitoring equipment and inform EPA of status--eliminate as state will perform regardless. (c) Eliminate annual progress reports on sec. 111(d) and 119 plans.

**EPA:** (a) N/C. (b) Region disagrees: report is necessary for grant accountability.



(c) This concern results from the CFR provisions under section 60.25 titled "Emission inventories, source surveillance, reports." Specifically, sections 60.25(e) and (f) require states to submit annual reports to EPA on the progress in implementing and enforcing state 111(d) plans including identification of: (1) achievement of increments of progress in implementation of the plan; (2) identification of any enforcement actions initiated during the reporting period; (3) identification of affected facilities that have closed; (4) emission inventory data for new sources identified since plan development; (5) any plan updates, and; (6) performance test data from designated sources.

Some reduction in reporting burden is probably desirable on a state-by-state basis. However, amending these reporting requirements may invite significant controversy. The existing requirements have been in force for more than 25 years, apply to a myriad of source categories and have been highly effective. Reducing reporting could also appear to be backsliding in enforcement.

As this request came from only one state, EPA believes a substantial portion of the other states are satisfied with these reporting requirements. OAQPS will, with the assistance of the EPA Regional Offices, explore this request in more detail to determine both the interest of the states and the applicability of the reduced reporting requirements.

**Requirement: (a) State Implementation Plans (SIP); (b) Federal air program rulemaking**

**State (1):** (a) SIP process is burdensome and needs to be streamlined. (b) Rulemaking does not allow for state participation and more funds are needed for implementing regulatory changes and new programs.

**EPA:** SIP process not a reporting function but prescribed by CAA. EPA is working to streamline SIP development/approval process. (b) Rulemaking process is not a reporting burden--states are critical partners in developing and implementing rules and policies.

**OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE (OECA)**

**Requirement: Watch List reports**

**States (3):** Eliminate for CAA, CWA and RCRA--time-consuming to compile, or reduce from quarterly to semi-annual.

**EPA:** States are not required to provide Watch List information. Watch Lists are generated by EPA based on info states are already required to report into federal databases. The Watch List is a communication tool to assist EPA regional offices and states in quarterly meetings established under the Enforcement Response Policy (ERP) to discuss ways to address Significant Non-Compliers that remain in non-compliance for more than two quarters of a fiscal year.

**Requirement: Document quarterly compliance assistance activities for minor/non-title V sources**

**State (1):** Eliminate.

**EPA:** Further clarification needed to fully respond to this comment.

**Requirement: Database reporting**

**States (3):** (a) Improve EPA's handling of data for RCRA and ECHO databases so states are not criticized for incorrect information; data reporting from PCS and ECHO is burdensome--EPA should retrieve data directly from its own databases instead of states reporting to region in hard copy. (b) Populate RCRAInfo database with hazardous waste compliance, corrective action and permitting info; improve user interface; reduce number of corrective action codes. (c) Modify submission of public water system violations, enforcement, etc. to ODS database as data entry is time-consuming and taxing.

**EPA:** (a) ECHO decreases the formerly lengthy process for corrections to data from states and makes this information available to the public through user-friendly Internet search capabilities. It is critical that information provided to the public through ECHO remains up to date and accurate. The top of each ECHO facility report has a "Report Error" link for easy access to the error correction process. Error notifications are routed to EPA and state data contacts so they are aware of possible errors and can make corrections in program databases. (b) Close EPA/state collaboration occurs prior to updates that only occur every 1.5-2 years. States usually have a year to complete the update to their systems in response to RCRAInfo updates. (c) States have 45 days to send public water system data to the region, the region has 15 days to respond, and states/regions receive 30 days to review/correct data, so there is a total of 90 days available for the entry, review, and correction of public water system data.

**Requirement: Quarterly and annual reporting in PPAs (e.g., permits, inspections, compliance events)**

**State (1):** Written reports redundant as EPA can retrieve same information from its own databases (e.g., NPDES).

**EPA:** If all states transfer (flow) data into the proposed ICIS-NPDES database system with the Required Integrated Compliance Information System (ICIS) Data Elements (RIDE), then EPA would be willing to consider this suggestion.

**Requirement: ICIS/PCS**

**States (14):** Upgrade of PCS database to ICIS poses significant challenges--expanded data elements (RIDE), cumbersome, burdensome, resource-intensive, re-examine proposed ICIS reporting requirements and negotiate more reasonable data set parameter.

**EPA:** At the December 2006 ICIS-NPDES Expanded Steering Committee meeting, EPA made proposals to the states that would reduce the required reporting elements by 20% and phase data entry requirements in order to extend the time allowed for state data entry and to take advantage of future technological efficiencies and address state burden concerns. The Expanded Steering Committee is continuing with follow-up tasks from this meeting that will address the ICIS/PCS recommendations made by the States in response to the October 11, 2006 EPA Memorandum. EPA provided grant funds from the Office of Environmental Information (OEI) and the Office of Enforcement and Compliance Assurance (OECA) to support state efforts to prepare for ICIS-NPDES database updates. EPA is developing a governance structure to include state input involving subsequent changes to this database after FY 2008. Thus, states and EPA will be able to discuss the benefits of any proposed changes to ICIS-NPDES with the states.

**Requirement: NPDES reports**

**State (1):** (a) EPA regional office should run Enforcement and Compliance Assistance Priorities (RECAP) Report for NPDES majors from federal database instead of having state do it. (b) Annual non-compliance report (ANCR) for NPDES non-major permittees: suspend or eliminate report; change reporting cycle for ANCR to federal fiscal year.

**EPA:** (a) Region agrees and program states that further consultation is required. (b) Region disagrees: requirements are in regulations. Program: regions require states to report non-compliance rates through ANCR on NPDES non-major permittees. For states that use Discharge Monitoring Reports (DMRs), EPA calculates these rates for the state. For those states that do not submit DMRs, the state must perform some manual calculations.

**Requirement: Miscellaneous reports**

**State (1):** Provide additional resources to implement wet weather initiative--reporting and inspection.

**EPA:** Region to follow-up and clarify. Program: further regional/state consultation required to discuss feasible level of state participation in wet weather enforcement and compliance assurance.

**Requirement: Negotiating multiple agreements**

**State (1):** Requests EPA to use one definitive document if state opts to use PPA and asks regions not to request additional information beyond State Review Framework.

**Regional issue:** Regions are using the SRF to evaluate state programs. However, there are established reporting requirements (e.g., GPRA, program delegation) that may not relate to the SRF. Unanticipated requests from HQ not originally in NPM/PPA Guidance contributes to ad-hoc state information requests.

Program: the SRF is an effort to provide consistency in the level of core state enforcement activities and consistent oversight of those programs. The SRF does not require any additional reporting to national databases. Required reporting is determined in regulations, statutes, ICRs, program policies and negotiated agreements between regions and states. SRF reviews do not preclude EPA from collecting required information nor preclude the regions from conducting regular and required oversight of grants and ongoing program activities. This is a matter for states to discuss with the regional office during the next PPA negotiation cycle. OECA believes flexibility exists; recommends further consultation with the region.

**Requirement: Regional enforcement oversight requiring hard copies of inspection reports, compliance documents and permits**

**State (1):** Reassess need for status reports and allow for annual or less frequent reporting.

**Regional issue:** Region: current PPAs and original delegations with Region 8 states require this information for NPDES enforcement programs. Later this winter, Region 8 plans to evaluate reporting requirements of its states, review the national ones and determine if any can be eliminated. Will issue specific regional guidance if there are any changes. Program: this is a regional oversight matter for states to discuss with the regional office. Regions are required by law to oversee delegated state programs.

**Requirement: Manage small business compliance assistance program in same manner as large quantity hazardous waste generator**

**State (1):** Allow for more flexibility in administration of this program.

**EPA:** Region states that this is not a reporting burden but a program management issue. Region notes that state has flexibility. Program: further clarification needed to fully respond to this comment. Regulations apply to all businesses regardless of size.

**Requirement: Report on compliance and enforcement activities at used oil handler facilities**

**State (1):** Requests EPA to defer to state in administration of used oil program.

**EPA:** Region disagrees; states must report these activities to ensure national consistency in complying with RCRA. Program: further clarification needed to fully respond to this comment.

**Requirement: Provide copies of all enforcement and compliance documents to region**

**State (1):** Reduce level of reporting.

**Regional issue:** Region agrees and is reviewing (in order to update) the 1989 regional enforcement agreement with the state. Program: this is a regional oversight matter for states to discuss with the regional office. Regions are required by law to oversee delegated state programs.

**OFFICE OF WATER (OW)**

**Requirement: Permitting for Environmental Results (PERS)**

**States (2):** Eliminate PERS and associated reporting; duplicative of information in EnPPA.

**EPA:** Region supports request to drop report but program disagrees – it is an important core measure used in most EPA management systems. PERS-associated reporting is an important core measure used in most EPA management systems. While the PERS state program profile development was a one-time activity, it resulted in important information about implementation of the Surface Water Program. The profiles identified challenges that permitting authorities must address to ensure the integrity of their programs, including NPDES, TMDL, WQS, etc. EPA continues to monitor implementation of state actions addressing those challenges and tracks progress through a GPRA measure. EPA HQ staff works with regions, who in turn work with states, to update progress in this area.

**Requirement: Report on permit issuance and compliance/enforcement measures for pre-treatment facilities**

**State (1):** Reduce frequency from semi-annual to annual.

**EPA:** Disagrees. OW needs industrial user permit issuance to ensure that the Pretreatment Program is being implemented. In fact, the Pretreatment Program was the recent subject of an EPA IG investigation that recommended improved measures and data collection.

**Requirement: Report on % of POTWs that are beneficially reusing biosolids**

**State (1):** Modify to require only % beneficially reused if data is useful; otherwise eliminate report.

**EPA:** Region needs to check with HQ re value of report. OW has a different POTW measure.

**Requirement: Provide EPA with documents for review of all draft major/minor NPDES permits/applications.**

**State (1):** Modify to include review of 10 permits/year. EPA can review others during program reviews.

**Regional issue:** Region disagrees; state over-reports (re minor permits) but will accept electronic submission. Program states that this is a regional requirement.

**Requirement: Report on environmental benefits of every SRF loan including NP loans by watershed**

**State (1):** Not necessary to track NP loans by watershed.

**EPA:** Region has contacted program. States, in an agreement with OGD, can opt to provide data to CBR system to meet requirement of 1/05 E.O., or include output/outcome measures in applications for CWSRF capitalization grants.

**Requirement: Develop monitoring plan with water quality restoration schedule**

**State (1):** Do not require water quality restoration results within the established schedule.

**EPA:** EPA's water body restoration target is from EPA's strategic plan and PART commitments to OMB for the section 106 grant program, SRF program and EPA's internal water quality protection program. As necessary, EPA and states need to adjust monitoring strategies and other program activities to achieve and document progress towards this long-term outcome measure.

**Requirement: Other Safe Drinking Water reporting**

**State (7):** Some comments: submission of public water system violations and enforcement data within 45 days of the end of each quarter to EPA's ODS not reasonable. Provide resources to implement wet weather initiative; reduce frequency of capacity development/significant noncompliance reports (once every 2 years)

**EPA:** Areas of disagreement and partial agreement. Requires follow-up.

**Requirement: Documentation of TMDL program activities funded by CWA 106 grants**

**State (1):** Region requires state TMDL program to copy and mail contract work orders semi-annually. Eliminate, information already provided to EPA.

**EPA:** Region disagrees and believes it has been flexible on reporting for 106 grants. Program partially agrees and notes need to work on details modifying summary tables to include information from work orders.

**Requirement: Duplicative reporting of TMDL project funding sources**

**State (1):** Region requires state to duplicate information in TMDL QAPPs. Eliminate as region can review QAPPs to obtain funding source information.

**EPA:** Program partially agrees. Still need to work on details on modifying summary tables to include information from work orders.

**Requirement: National Estuary Program Grant Reporting**

**State (1):** Consolidate semi-annual reporting into one report.

**Regional issue:** Region doesn't address consolidation and discusses frequency instead. Program states that this is an R6 requirement and recommendation is acceptable as long as it conforms to the NEP guidance.

**Requirement: NPDES 106 and 319 program report**

**State (1): Eliminate requirement of annual summary of quarterly reports—  
duplicative.**

**Regional issue:** Region will follow up with state to clarify. This is not an OW issue. R3 would need to address the quarterly report issue.

**Requirement: SDWIS**

**States (4):** (a) States shouldn't be asked to re-verify data in SDWIS. (b) Automate and include in SDWIS reporting of operator certification program currently required annually in narrative report. (c) Submission of Public Water System Inventory data from SDWIS-state to EPA from states should only include changes or modifications of required data elements and should not be sent as one file. (d) Eliminate reporting requirement for planned sanitary surveys for the fiscal year--any info EPA needs is already in SDWIS.

**EPA:** (a) SDWIS does not require data re-verification as part of the reporting process. OGWDW efforts that do ask for re-verification of data already submitted (such as when EPA conducts a survey of water systems as is done for the Infrastructure Needs Survey required under SDWA Section 1452; data verification audits to determine SDWIS data quality; or unregulated contaminant monitoring of a representative set of small systems to meet requirements under SDWA Section 1445) are relatively infrequent.

(b) SDWIS is the mechanism for data collection of reporting requirements which are part of state Public Water System Supervision (PWSS) Program primacy under 40 CFR 142. Operator Certification is a separate program established under the Safe Drinking Water Act (SDWA). Operator Certification Program reporting requires EPA to capture narrative information (i.e., more involved than providing a data point such as a sample value or violation) and thus is not amenable to SDWIS reporting.

(c) OW's understanding is that total replace practice (submission of one file that contains all of the information for a state) is helpful for most states. The current practice of total replace was implemented for a number of reasons: 1) States using SDWIS/State extract necessary data for submission using the SDWIS/FedRep application (provided by EPA). 2) Total replacement enables States to perform SDWIS/FedRep validations to receive timely feedback on data submission errors. 3) Current technology allows the efficient transfers of large files and eliminates the burden on the State of having to determine which files have already been submitted.

(d) We do not have a national requirement for reporting plans to conduct all sanitary surveys for the fiscal year to SDWIS/Fed. Regions may, however, request this information for work plan development and to support the development of targets for SDW-1 (FY 2007): *“Percent of community water systems and number of Tribal systems that have undergone a sanitary survey within three years of their last sanitary survey (five years for outstanding performers) as required under the Interim Enhanced and Long-Term 1 Surface Water Treatment Rules.”*

**Requirement: NPDES permit backlog, Electronic Permit Issuing Forecasting Tool (e-PIFT)**

**States (3):** Submission of permit issuance forecasting tool to R4: eliminate--duplicative; ePIFT (record permit backlog) duplicates information currently in PCS database; permit counts, backlog and permit forecast statistics: duplicative--information that is uploaded weekly in PCS should suffice.

**EPA:** Disagrees. Facilities covered under general permits are not generally entered in PCS, so we have developed the E-PIFT system to capture that information. EPA will reduce this burden when the new system Permits Management Oversight System (PMOS) comes on line or we will allow use of PCS/ICIS-NPDES if the data is complete.

**OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES (OPPTS)**

**Requirement: P2 semi-annual reports**

**States (2):** Change to once at end of grant period.

**EPA:** State submits overly detailed reports and can reduce some of the burden by submitting reports at the required level instead. These reports are key elements of performance measures supporting the P2 program. Demonstrating semi-annual and annual progress for P2 performance measures is required by EPA to ensure continued funding of these grants.

**Requirement: Lead, asbestos, P2 grants**

**State (1):** Treat as core program and do not award these grants competitively.

**EPA: Lead:** Grant competition for lead is an integral part of EPA's effort to focus attention and its limited resources on the most effective efforts to reach the most vulnerable populations. Some lead grants issued under TSCA Section 404(g) are exempt from the Agency's competition policy and are awarded on the basis of a formula and the judgment of the regional office granting the award.

**P2:** P2 is not set up as a block grant program. The P2 grants are set up to be awarded competitively.

**Asbestos:** EPA does not award grants for asbestos.

### **III. Opportunities Requiring Statutory/Regulatory Changes for Burden Reduction**

#### **OFFICE OF AIR AND RADIATION (OAR)**

##### **Requirement: Inspection & Maintenance Program reporting under CAA and regulations**

**States (5):** (1) Eliminate biennial report and include information in annual report. (2) Change reporting frequency to annual from semi-annual; (3) Change from annual to biennial only.

**EPA:** Comments from various states regarding the frequency of and burden associated with the vehicle inspection and maintenance (I/M) rule's reporting requirements suggest that many states are confused by these requirements. To clarify: There are two sets of I/M reporting requirements – an annual report (primarily numerical in nature) that provides a summary of program operating statistics and a biennial report (primarily narrative in nature) that describes the program's efforts to identify and correct program deficiencies. There is no semi-annual reporting requirement. The reporting frequency is a minimum; states may submit reports more frequently if it is more convenient to do so. There is also no prescribed format for the submission of the required reports. If the required summary statistics are available in a pre-existing report (perhaps required by the state legislature) submission of that pre-existing report will satisfy the I/M reporting requirement.

As a result of a recent audit report on I/M implementation by the Office of the Inspector General (OIG) which highlighted the importance of enforcing current I/M reporting requirements, EPA does not intend to revise those existing requirements. Furthermore, in that same audit report, the IG found that many states are not meeting EPA's I/M reporting requirements. In its response to OIG, EPA indicated that it would address this deficiency by prioritizing enforcement of the I/M reporting requirements, beginning with the next I/M reporting period in July.

Thus, no changes to reporting requirements are planned at this time.

##### **Requirement: CAA section 112(r) reports**

**States (1):** Document sec. 112 (r) efforts/plans; eliminate report and workplans.

**EPA:** Disagrees. As this is a delegated program, EPA needs this information.

#### **OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE (OSWER)**

##### **Requirement: Reporting under draft guidelines for Public Record and UST/LUST Compliance provisions of Energy Policy Act of 2005 (EPACT)**

**States (3):** (a) Compliance and other requested data provided in GOEPA semi-annual report to meet LUST Trust fund grant reporting: use existing data to create a national website to meet the Energy Policy Act; redundant with state procedures. (b) Reconsider time-consuming, resource-intensive reporting requirements for USTs. (c) Reconsider requirement to report level of compliance on all active LUSTs. (d) Reconsider



requirement to report on source of releases to groundwater, including how UST system failed.

**EPA:** Comments appear to be related to the new requirements imposed by the Energy Policy Act of 2005 for states to: 1) maintain, update and make available to the public a record of underground storage tanks regulated under Subtitle I (Public Record); and 2) to report on the compliance of Government Underground Storage Tanks (State Compliance Report).

The Public Record is not a requirement to report to EPA; states must make the info available to the public.

EPA drafted guidelines with the help of workgroups of which many states were members. Public comment was solicited and received on the draft Public Record guidelines, including comment from the individual states and the Association of State and Territorial Solid Waste Management Officials, and gave considerable deference to state comments in the development of the guidelines. Final guidelines were issued on January 22, 2007: [http://www.epa.gov/swrust1/fedlaws/final\\_pr.htm](http://www.epa.gov/swrust1/fedlaws/final_pr.htm)

Also in January 2007, Draft State Compliance Report on Government Underground Storage Tanks guidelines released for public comment on January 23, 2007. EPA is considering comments received and expects to issue its final report in Spring 2007.

Please see “Action Initiated/Completed” section in the following link: <http://www.epa.gov/OUST/fedlaws/Government%20Tank%20Report%20-%20Final%20Draft%20Guidelines%201-18-07.pdf>

**Requirement: State UST Fund Soundness data form**

**States (1):** Simplify form and reduce data required to most relevant

**EPA:** EPA developed the State UST Fund Soundness Data Form with the help of state fund managers and was designed to minimize the burden on states. The form is particularly useful now to help implement State Fund withdrawal provisions in the Energy Policy Act. OUST will continue to review and refine the form and reduce burdens whenever possible. For more information see:

<http://www.epa.gov/OUST/directiv/od965014.htm>

**Requirement: Hazardous waste reporting**

**State (1):** Since reporting is labor-intensive, review all reports and determine if consolidation of five major Hazardous Waste Program reporting burdens is possible.

**EPA:** Because of statutory and regulatory requirements, EPA cannot consolidate the five major reports mentioned by MA: Biennial Report, Mid-year RCRA C Grant Report, End of Year RCRA C Grant Report, RCRA Info, and Monthly Permit Summary into one report. As part of our maintenance and operation of the Biennial Report and RCRA Info, we will implement efficiencies as part of the on-going change management process.

**Requirement: Used Oil Program reporting;**

**State (1):** EPA should defer to state.

**EPA:** Disagrees: information needed to verify compliance; used oil compliance monitoring and enforcement activities are an important part of RCRA program under Subtitle C and all states must report these to EPA.

**OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE (OECA)**

**Requirement: Misc. reports**

**States (6):** (a) Eliminate Annual Non-compliance Report. (b) Eliminate annual public water system compliance report. (c) Modify reporting frequency from quarterly to annual for NPDES and SDWA non-compliance reports, compliance report.

**EPA:** (a) Required by regulation (region) and regions require ANCR. For states that use Discharge Monitoring reports (DMRs), EPA calculates rates; states that do not use DMRs, must perform manual calculations (program). (b) Disagrees: annual public water system non-compliance data required by statute. (c) QNCR is statutorily required as part of EPA's oversight of delegated state enforcement and compliance assurance programs.

**OFFICE OF WATER (OW)**

**Requirement: Integrated Reports (CWA 305b, 303d)**

**States (22):** Change frequency from 2 to 5 years; from 2 to 4 years; once every 4 years with interim report every 2 years.

**EPA:** Although EPA is unable to address states' concerns regarding statutory deadlines that dictate the current frequency of required reporting, we are sensitive to the concerns that the states have raised. Several regions generally support less frequent reporting but noted that frequency is a statutory requirement. To ensure that we continue to facilitate state reporting and to be responsive to individual state concerns as they arise, we will be forming a small workgroup of interested states and EPA representatives to discuss these issues further, beginning at the ASIWPCA spring meeting in March 2007.

It is important to note that, aside from being a statutory requirement, water quality status reporting provides the fundamental data necessary to establish baselines and track trends in water quality; these reports enable states and EPA to track progress against critical water quality goals in the EPA Strategic Plan and the PART. EPA's commitment to working with states on this issue is demonstrated in such actions as the automation of reports using the Assessment Database so that states can electronically submit their water quality reports and track changes over time, and making allowances for states to combine two Section 303(d) listing cycles to respond to such circumstances as third party litigation.

**Requirement: Non-point source report**

**States (3):** Report preparation is time-consuming and expensive; change from quarterly to annual; information already provided—duplicative data submission.

**EPA:** Disagrees: requirements set in statute and regulation. Program encourages regions to work with states to design efficient and non-duplicative reporting procedures. Cannot merge discrete reporting requirements (Strategic Plan and PAM with NPS measures based on OMB PART requirements).